

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MICHEAL A. HUGHES, et al.,

Plaintiffs,

v.

RICHARD MAYS, et al.,

Defendants.

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Civil Action No. 3:07-CV-969-M

FINDINGS, CONCLUSIONS, AND RECOMMENDATION


Pursuant to the District Court's Order, entered May 31, 2007, this case has been referred to the United States Magistrate Judge for pretrial management. Before the Court is "Movants' Motion for Final Summary Judgment" (doc. 59) and "Motivate Move to Have Access to Court" (doc. 60). No response has been filed. Plaintiffs seek summary judgment against all listed Defendants.

Only two of those Defendants, Richard Mays ("Mays") and Phil Barker ("Barker"), have been served with the summons and the complaint. On May 8, 2008, the United States District Judge entered an order accepting the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, which recommended that Plaintiffs' claims against Mays and Barker be dismissed and Plaintiffs' first motion for summary judgment be denied.

No other Defendants have been served with the summons and complaint in this case. Accordingly, summary judgment cannot be granted against the remaining Defendants. For these reasons the Court recommends that the District Court **DENY** Plaintiffs' final motion for summary judgment (doc. 59). As a result, the Court **DENIES** "Motivate Move to Have Access to Court" (doc.

60) as futile.

SO ORDERED. May 28, 2008.



PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT**

The United States District Clerk shall serve a true copy of these findings, conclusions, and recommendation on the parties. Pursuant to Title 28, United States Code, Section 636(b)(1), any party who desires to object to these findings, conclusions, and recommendation must serve and file written objections within ten days after being served with a copy. A party filing objections must specifically identify those findings, conclusions, or recommendation to which objections are being made. The District Court need not consider frivolous, conclusory or general objections. A party's failure to file such written objections to these proposed findings, conclusions, and recommendation shall bar that party from a *de novo* determination by the District Court. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Additionally, any failure to file written objections to the proposed findings, conclusions, and recommendation within ten days after being served with a copy shall bar the aggrieved party from appealing the factual findings and legal conclusions of the Magistrate Judge that are accepted by the District Court, except upon grounds of plain error. *See Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).